

**REMARKS**

Applicant's undersigned attorney thanks the Examiner for her comments. Applicant respectfully requests reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-31 are pending.

**Amendments to the Claims**

Claims 1-31 have been examined with no claims being allowed. Applicant has amended Claim 1. No new matter has been added by this Amendment.

Claim 1 has been amended to include the limitation of the chassis including an outer cover, a body side liner, and an absorbent assembly between the outer cover and the body side liner. Support for this amendment is provided at page 9, lines 16-19, for example.

No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims remains unchanged.

**Claim Rejections - 35 U.S.C. §102 or 35 U.S.C. §103**

The rejection of Claims 1-31 under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Sun et al. (U.S. Patent No. 5,882,357) is respectfully traversed.

Sun et al. disclose "durable" and regenerable microbiocidal textiles having a heterocyclic N-halamine covalently attached to a cellulose-based material or other polymeric material.

For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Sun et al. do not disclose each and every element or limitation of Claims 1, 11, and 23.

Applicant's invention as recited in Claims 1, 11, and 23 requires an antimicrobial agent applied to a swimwear garment. Sun et al. fail to disclose or suggest any sort of swimwear garment having an antimicrobial agent applied to it. Applicant's invention further requires that the swimwear garment include an

absorbent assembly positioned between an outer cover and a body side liner. Sun et al. fail to disclose or suggest any sort of absorbent assembly in combination with the textiles disclosed therein. More particularly, Sun et al. is directed to “durable” textiles. Durable textiles are intended for recurrent use, whereas garments that include an absorbent assembly are typically disposed after one use.

As pointed out by the Examiner, the microbiocidal textiles of Sun et al. “can replace currently used disposable, nonwoven fabrics” (Col. 3, lines 29-31). Thus, the textiles of Sun et al. are not intended for use in disposable products, but instead are designed to be used *instead of* disposable products. In fact, Sun et al. recites the replacement of disposable products with the durable microbial textiles of the invention as one of the primary features of the invention.

In contrast, Applicant’s invention is directed to disposable, absorbent, swimwear garments. The antimicrobial agent present in the garments of Applicant’s invention is stabilized by a pool water ingredient, such as bromine or chlorine. After a single use during which a wearer has worn the swimwear garment into a pool environment, the garment is typically discarded. Sun et al. not only disclose durable textiles, but further recommend that the textiles undergo periodic washings to regenerate the microbiocidal activity of the textiles.

Sun et al. acknowledge that the halogenated derivatives of the heterocyclic N-halamines are major disinfectants for use in swimming pools, but instead of disclosing or suggesting that the textiles be used in a swimming pool, Sun et al. instead interpret the use of the halogenated derivatives in swimming pools as evidence that these compounds will not generate any toxic effects for humans or for the environment (Col. 4, lines 58-64). By mentioning swimming pools and not making any suggestion of using the textiles in combination with swimming pools, Sun et al. teach away from using the durable textiles in swimwear applications. Furthermore, since Sun et al. emphasize the durability of the textiles, Sun et al. also teach away from using the textiles in any sort of disposable application.

For at least the reasons presented above, Applicant respectfully submits that Claims 1, 11, and 23 are not anticipated by Sun et al. Because Claims 2-10 depend from Claim 1, Claims 12-22 depend from Claim 11, and Claims 24-31

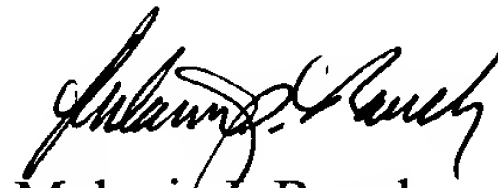
depend from Claim 23, respectively, these claims are also not anticipated by Sun et al. Furthermore, the teachings of Sun et al. fail to disclose or suggest Applicant's claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicant has not addressed in this response, Applicant's undersigned attorney requests a telephone interview with the Examiner.

Applicant sincerely believes that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,



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